

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1648.00
COMPLAINT INVESTIGATOR: Sandie Scudder
DATE OF COMPLAINT: November 2, 2000
DATE OF REPORT: November 27, 2000
REQUEST FOR RECONSIDERATION: yes (no revisions were made to original report)
DATE OF CLOSURE: May 1, 2001

COMPLAINT ISSUES:

Whether the Monroe County Community School Corporation violated:

Appendix A to 34 CFR Part 300 (Notice of Interpretation) with respect to the school's alleged failure to permit a parent to videotape a case conference committee meeting in the absence of a school policy to the contrary. (Reference Question 21 - Federal Register, Vol. 64, No. 48, Page 12477).

FINDINGS OF FACT:

1. The Student is 12 years old and is eligible for special education services as a student with a Mild Mental Disability.
2. On August 30, 2000, the school allowed the Complainant to videotape the CCC meeting. The school states this was allowed to occur due to a lack of communication between the Principal and the Teacher Coordinator.
3. There was no written school policy regarding taping in effect at the time of the August 30, 2000, CCC meeting.
4. Complainant wanted to videotape the CCC meeting scheduled for October 24, 2000. On October 23, 2000, the Complainant received a call from the Teacher Coordinator informing the Complainant there could be no videotaping. The Complainant was advised the CCC meeting could be audio taped. The Teacher Coordinator stated that the Complainant indicated she understood this in a phone conversation on October 23, 2000.
5. On October 24, 2000, as the conference participants were entering the conference room, a parent advocate was setting up the tripod for the video camera. The principal stated there would be no taping. The Complainant then started to read a prepared statement stating the Student's needs were not being met because of this procedure. The CCC meeting was terminated within a few minutes.
6. The CCC has not reconvened due to controversy over the videotaping issue.
7. The School has mailed two written notices to the Complainant encouraging contact with the School to reschedule the CCC. The Complainant has not contacted the school.
8. The school is developing a policy regarding the issue of recording or taping conferences and meetings between parents and staff members.

CONCLUSION:

The U.S. Department of Education, as part of its interpretation of 34 CFR Part 300, stated that, although Part B does

not address the use of recording devices at CCC meetings, parents who wish to audio or videotape such meetings should consult the school's policy. Findings of Facts #2 through #8 indicate that the parent had been allowed to videotape a CCC meeting, but the school later refused the parent permission to videotape a subsequent CCC meeting. In the absence of a school policy on the use of videotape to record a meeting, the School denied the Complainant's request to videotape a CCC meeting. Therefore, the school is found to be non-compliant with the federal interpretation included in Appendix A of 34 CFR Part 300.

The Department of Education, Division of Special Education requires corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Monroe County Community School Corporation shall:

1. permit the complainant to tape the pending conference on or before December 15, 2000. A copy of the case conference report shall be submitted to the Division no later than December 20, 2000, including documentation that the parent was permitted to videotape the conference.
2. continue its effort to develop a written policy regarding the issue of taping conferences and meetings between parents and staff. The School will submit a copy of the completed policy to the Division no later than January 31, 2001.
3. the School will make the policy concerning taping of conferences available to the parents no later than February 7, 2001. A copy of the information provided to the parents shall be submitted to the Division no later than February 10, 2001.